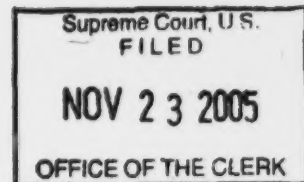


05-716  
DOCKET #



SUPREME COURT OF THE UNITED  
STATES

United States,  
Plaintiff/Respondent,

vs.

Richard Fuselier,  
Defendant/Petitioner,

An Application For A Writ of Habeas Corpus  
Ad Subjiciendum

On An Application For A Writ of Habeas  
Corpus Ad Subjiciendum From The Common  
Law Court of the United States of America

Richard Fuselier  
204 W. Angus  
Youngsville, La. USA 70592  
337 857-9090

(a)

## QUESTIONS PRESENTED FOR REVIEW

Is the petitioner, Richard Fuselier, an alien as provided for by Title 28 U.S.C. §§s 1251(b)(3) and 1652 and Article 1, Section 9, Clause 2?

Is the United States of America a state as provided by Title 28 U.S.C. §§s 1251(b)(2) and 1652?

Is the United States a state as provided by Title 28 U.S.C. §§s 1251(b)(3) and 1652.

Does Title 28 U.S.C. § 1241(b)(3) provide original jurisdiction for a proceeding filed by the United States against the petitioner?

Is a common law proceeding commenced with a Writ of Habeas Corpus Ad Subjiciendum as provided by Article 1, Section 9, Clause 2?

(b)  
LIST OF PETITIONERS

The judgment to be reviewed is a return on a Collateral Writ of Habeas Corpus Ad Subjiciendum filed in the Common Law Court of the United States of America. The parties to the writ are as follows:

RICHARD FUSELIER.....Petitioner  
UNITED STATES OF AMERICA.....Petitioner  
UNITED STATES.....Respondent

-(c)  
CORPORATE DISCLOSURE

The Petitioner, Richard Fuselier, avers that no corporation as provided by Rule 29.6 is a party herein.

(d)

## STATEMENT OF JURISDICTION

The petitioner is invoking the Court's original jurisdiction as provided by Title 28 U.S.C. § 1251(b)(3) as an alien to the United States being sued by a State.

The petitioner, alternatively, is also invoking the Court's original jurisdiction as provided by Title 28 U.S.C. § 1251(b)(2) as there exist a controversy between the United States and a State on the Petitioner's citizenship.

The underlying procedural privilege being claimed is founded upon Article 1, Section 9, Clause 2 as being the original Writ of Habeas Corpus and the basis of non exclusive jurisdiction of the Supreme Court of the United States.

The relief in the Supreme Court is also provided by Title 48 U.S.C. § 1493.

Service has been made on the Solicitor General of the United States as provided for by Supreme Court Rule 29.4.

(e)

## SUPREME COURT RULE 20 and 17

Rule 20.1 is inapplicable as the writ is not

authorized by Title 28 U.S.C. § 1651(a). The writ is authorized by Article 1, Clause 2, Section 9 of the Constitution which states in part:

“The privilege of the writ of habeas corpus shall not be suspended...”

The writ is authorized by Supreme Court Rule 17.2 which states in part:

“The form of pleadings and motions prescribed by the Federal Rules of Civil Procedure is followed.”

The relief provided for in the Federal Rules of Civil Procedure is stated in Rule 81(a):

“These rules are applicable to proceedings for...habeas corpus... to the extent that the practice in such proceedings is not set forth in statutes of the United States...”

The relief provided in statutes of the United States is founded in Title 28 U.S.C. § 2241(a) entitled “Power to grant writ” which states in part:

“Writs of habeas corpus may be granted by the Supreme Court...within their respective jurisdictions.”

The writ is in aid of the Supreme Court’s original and non exclusive jurisdiction. Supreme Court Rule 20.4(a) provides the petitioner with the following relief:

“A petition seeking a writ of habeas corpus shall comply with the requirements of 28 U.S.C. §§ 2241 and 2242, and in particular with the last paragraph of section 2242,...

The petitioner filed a motion in the United States District Court for leave to file a “statement” issuing out of common plea. The preliminary issue was United States citizenship. The District Court denied said return without comment. The petitioner only filed the return issuing out of common plea using Federal Rule of Criminal Procedure 16(d)(1) which provides for a statement. The writ was filed in the appeal court as the first court having a rule to support a Writ of Habeas Corpus.

Relief would be unavailable in any other court as the Supreme Court of the United States is given “original” jurisdiction by Congress.

(f)  
STATEMENT OF THE CASE

(1) The commonwealth and the commonwealth court were formed under the reservation of authority provided by the Ninth and Tenth Amendments.

(2) The United States filed an original action against an alien in United States District Court in the nature of a grand jury proceeding.

(3) The preliminary issue being litigated and in controversy is original jurisdiction based on citizenship of the petitioner.

(4) The petitioner proceeded by writs in the United States District Court for the District of Oregon, Docket #P-05-968 and the United States Court of Appeals for the Ninth Circuit [Docket number was not issued] using a return issuing out of the said commonwealth court.

(5) The lower courts denied and excluded said evidence without answer.

(6) The dispositive issues and material facts (Excerpt 1) were determined in a Commonwealth court and are hereby adopted herein in support.

(7) The condition of fact is that the issue of citizenship is res judicata.

(8) The return has not been traversed.

(g)  
REASONS FOR ALLOWANCE OF WRIT

Title 28 U.S.C. §§§s 1251(b)(2) and (3), 1652 and 2248 provide mandatory relief for the condition of fact that Richard Fuselier is not a United States citizen.

Title 28 U.S.C. §§s 2201(a) and 2502 allows abatement and/or declaratory relief.

Title 28 U.S.C. 2248 mandates that the court shall accept the return as true.

Executed on this 14<sup>th</sup> day of November, 2005. I declare under penalty of perjury that the foregoing is true and correct.

By 

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